

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MARY H. JOSEPH, ET AL.,) Case No.: 10-CV-02152-LHK
Plaintiffs,) ORDER GRANTING PLAINTIFFS'
v.) UNOPPOSED MOTION FOR LEAVE
BANK OF AMERICA CORP., N.A.,) TO FILE AN AMENDED COMPLAINT
Defendants.) (re: docket #38)

Pursuant to Civil Local Rule 7-1(b), the Court deems Plaintiffs' unopposed motion for leave to file an amended complaint suitable for decision without oral argument. Under Federal Rule of Civil Procedure 15(a)(2), after the time in which a party may amend its pleading as a matter of course has passed, "a party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires." Here, Defendants have filed a Statement of Non-Opposition to Plaintiffs' motion for leave to file an amended complaint. Accordingly, Plaintiffs' unopposed motion is GRANTED. Defendants' motions to dismiss (Dkt. # 24 and 25) are DISMISSED as moot. The February 10, 2011 motion hearing and Case Management Conference are vacated. The Court will schedule a Case Management Conference, if necessary, at a later date. Plaintiffs shall file their amended complaint

1 as a separate docket entry no later than Wednesday, February 9, 2011.
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3 **IT IS SO ORDERED.**
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5 Dated: February 4, 2011
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LUCY H. KOH
United States District Judge